

UNITED STATES DISTRICT COURT
Northern District of California

BAC HOME LOANS SERVICING, LP,

No. C 10-05674 MEJ

Plaintiff,

**ORDER VACATING ORDER TO
SHOW CAUSE**

v.

DALJIT TUMBER and SONIKA TUMBER

SECOND ORDER TO SHOW CAUSE

Defendants.

On April 29, 2011, the Court ordered Plaintiff to show cause why this case should not be dismissed for failure to prosecute. Dkt. No. 5. Having received Plaintiff's declaration in response, the Court DISCHARGES the order to show cause. The Court notes that Plaintiff's declaration consists largely of legal argument regarding this Court's jurisdiction over the case, and that Defendants failed to notify it and the state court when they removed the case to this Court. Accordingly, the Court ORDERS Defendants Daljit and Sonika Tumber to show cause why this case should not be remanded to the Alameda County Superior Court. Defendants shall file a declaration by June 2, 2011, and the Court shall conduct a hearing on June 16, 2011 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. As this is an unlawful detainer action involving California state law, and there appears to be no diversity of citizenship, Defendants must specifically show how this Court has jurisdiction over the matter. Generalized averments will not suffice.

IT IS SO ORDERED.

Dated: May 13, 2011



Maria-Elena James
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

BAC HOME LOANS SERVICING, LP,

Case Number: CV10-05674 MEJ

Plaintiff,

CERTIFICATE OF SERVICE

v.

DALJIT S. TUMBER et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 13, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Daljit S. Tumber
Sonika K. Tumber
3141 Atwal Court
Hayward, CA 94541

Dated: May 13, 2011

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk